

January 23, 2004



U.S. Department
of Transportation

400 Seventh Street, S.W.
Washington, D.C. 20590

**Research and
Special Programs
Administration**

DOT -E 6309
(SEVENTH REVISION)

EXPIRATION DATE: December 31, 2005

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Foam Supplies, Inc.
Earth City, MO
2. PURPOSE AND LIMITATION:
 - a. This exemption authorizes the transportation in commerce of certain non-flammable compressed gases in a non-DOT specification portable tank described in paragraph 7 below. This exemption provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein.
 - b. The safety analyses performed in development of this exemption only considered the hazards and risks associated with transportation in commerce.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR §§ 173.315(a), in that a non-DOT specification portable tank is not authorized, except as specified herein.
5. BASIS: This exemption is based on the application of Foam Supplies, Inc. dated December 18, 2003, submitted in accordance with § 107.109.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper Shipping Name/ Hazardous Materials Description	Hazard Class/ Division	Identi- fication Number	Packing Group
Compressed gases, n.o.s.	2.2	UN1956	N/A

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Prescribed packaging is a non-DOT specification steel portable tank with a nominal water capacity of not over 1,050 gallons, except tanks having National Board Nos. 157646 and 157647 with a nominal water capacity of 1,850 gallons, and a minimum design pressure of 250 psig. Each tank must be fabricated in accordance with the ASME Code and must comply with Olin Plastics drawing #630010, dated September 9, 1969, or American Bridge drawing #235814, Revision A, dated June 18, 1968. No new construction is authorized.

b. Each portable tank must be equipped with at least one safety relief valve so arranged to discharge upward and unobstructed to the outside of the protective housing.

c. Safety relief valves on any portable tank must be set to start-to-discharge at a pressure not in excess of 110% of the design pressure of the tank and must have a total relieving capacity sufficient to prevent a maximum pressure in the tank of more than 120% of the design pressure.

d. The portable tank may be mounted on wheels. If so mounted, the shipper must adequately secure the portable tank to the vehicle to ensure compliance with § 177.834(g) under conditions normally incident to transportation. As an alternative, the carrier may provide vehicles specially designed to handle wheeled tanks.

e. Each wheeled tank must be equipped with adequate tie down devices. These devices can be at each end of the tank with minimum strength equal to the weight of the container fully loaded or they can be affixed to the tank chassis with strength equal to twice the weight of the container fully loaded.

- f. Each tank must comply with § 178.337-10.
 - g. The maximum authorized filling density is 95%.
 - h. The maximum authorized pressure in the tank at 70°F is 100 psig.
 - i. Each tank must be plainly marked on both sides near the middle, in letters and numerals at least two inches high on a contrasting background "DOT-E 6309".
 - j. Each portable tank must be reinspected and retested once every 5 years in accordance with § 173.32(e) as prescribed for DOT Specification 51 portable tanks.
8. SPECIAL PROVISIONS:
- a. A person who is not a holder of this exemption who receives a package covered by this exemption may reoffer it for transportation provided no modification or change is made to the package or its contents and it is reoffered for transportation in conformance with this exemption and the HMR.
 - b. A current copy of this exemption must be maintained at each facility where the package is offered or reoffered for transportation.
 - c. Portable tanks may not be transported in trailer-on-flatcar (TOFC) service except under conditions approved by the Associate Administrator for Safety, Federal Railroad Administration (FRA). Portable tanks may be transported in container-on-flatcar (COFC) service only under the following conditions:
 - (1) Portable tanks must be equipped to be securely attached to a railcar equipped with an ISO standard COFC basic pedestal system designed for container support and securement;

(2) Each railcar used to transport portable tanks must be equipped with a cushioning system that meets the requirements of the Association of American Railroad Specification M-952-82; and

(3) Shipments made under this exemption must be in accordance with § 174.84.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle and rail freight.
10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each motor vehicle used to transport packages covered by this exemption.
11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this exemption and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:
 - o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
 - o Registration required by § 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this exemption must receive training on the requirements and conditions of this exemption in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this exemption, including display of its number, when the exemption has expired or is otherwise no longer in effect.

12. REPORTING REQUIREMENTS: The carrier is required to report any incident involving loss of packaging contents or packaging failure to the Associate Administrator for Hazardous Materials Safety (AAHMS) as soon as practicable. (Sections 171.15 and 171.16 apply to any activity undertaken under the authority of this exemption.) In addition, the holder(s) of this exemption must inform the AAHMS, in writing, of any incident involving the package and shipments made under the terms of this exemption.

Issued in Washington, D.C.:

A handwritten signature in blue ink, appearing to read "R. Ryan Toller". The signature is stylized with a large, sweeping loop at the end.

for Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

Address all inquiries to: Associate Administrator for Hazardous
Materials Safety, Research and Special Programs Administration,
Department of Transportation, Washington, D.C. 20590.
Attention: DHM-31.

Copies of this exemption may be obtained by accessing the
Hazardous Materials Safety Homepage at
<http://hazmat.dot.gov/exemptions> Photo reproductions and
legible reductions of this exemption are permitted. Any
alteration of this exemption is prohibited.

PO: PTolson/alb